

UNITED STATES DISTRICT COURT

for the

District of New Mexico

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

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JAN 22 2016

Case No. 16-MR-63

MATTHEW J. DYKMAN
CLERK

2009 Silver Kia Sedan, bearing

New Mexico License Plate Number NRD991

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

2009 Silver Kia Sedan, bearing New Mexico License Plate Number NRD991, located at Winston's Tow Yard in Waterflow, New Mexico

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

evidence of a crime, namely hair fibers, blood, tissue, DNA, clothing fibers, and alcoholic beverages or empty canisters of alcoholic beverages can be found by searching the exterior and interior of the vehicle

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

Title 18, U.S.C. 113(a)(6), 1153 assault resulting in serious bodily injury, committed in Indian Country

The application is based on these facts:

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

- Continued on the attached sheet.
- Delayed notice _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Lance Roundy, Special Agent
Printed name and title



Judge's signature

B. Paul Briones, US Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence.

Date: 1-22-2016

City and state: Farmington, NM

ER/AUSA

NEW MEXICO
ALBUQUERQUE, NEW MEXICO

State of New Mexico)
County of San Juan)

AFFIDAVIT

I, Lance Roundy being duly sworn, hereby, depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been employed in that capacity since September 2008. I am currently assigned to the Albuquerque Division of the FBI, and have primary investigative responsibility in violent crimes such as robbery, aggravated assaults, and homicide.
2. The information set forth in this affidavit has been derived from an investigation conducted by SA Lance Roundy and SA Monty Waldron of the FBI, Farmington Resident Agency and Criminal Investigator (CI) Marc Scott of the Navajo Nation Department of Criminal Investigations.
3. On January 20, 2016, CI Scott notified the FBI of a hit and run pedestrian crash that occurred on or about January 17, 2016 near Shiprock, New Mexico within the exterior boundaries of the Navajo Indian Reservation.

4. Navajo Nation Police Department Officers (NNPD) advised CI Scott that on January 17, 2016, a female (referred to herein as "VE") was struck by a small sedan traveling westbound on the side of US Highway 64. Initial reports indicated VE was walking on the side of the road heading in the same direction of travel (westbound) as the passing vehicles when the small silver sedan struck VE. VE was rendered unconscious as a result of the crash, sustained several bone

fractures, suffered head trauma, and was subsequently airlifted to the San Juan Regional Hospital in Farmington, New Mexico for treatment.

5. While at the hospital, VE said during an interview that she spent the afternoon of January 17, 2016 with Terrell Ray Antonio (referred to herein as “Antonio”) in Farmington, New Mexico. VE stated that Antonio became intoxicated throughout the afternoon and evening hours and as a result, VE volunteered to drive them back towards Shiprock in a silver 2009 Kia Rio sedan. A short time into the drive, VE and Antonio began to argue, and VE subsequently stopped the vehicle, exited, and walked on the side of the US Highway 64 towards Shiprock, leaving Antonio with the silver 2009 Kia sedan. VE then recalled going unconscious and waking up alongside the road with people informing her that she had been hit by a vehicle and that emergency medical personnel (EMP) were responding to render aid.

6. Information obtained from eye witnesses of the crash included the observation a silver sedan driving on the side of the road heading westbound on US Highway 64. The witnesses observed the silver sedan strike a female pedestrian, later identified as VE, and then flee the scene. The witnesses then stopped along the road to render assistance to VE. Officers that responded to the scene observed VE on the side of the US Highway 64 being attended to by EMP and also collected several pieces of broken material resembling that of a vehicle headlight located near VE.

7. A short time after departing the scene, NNPD Officers responded to a residence in Shiprock based on reports of a fight between Antonio and his father, Steven Antonio. Upon arrival, Officers observed a 2009 Kia Sedan bearing New Mexico License Plate number NRD991, registered to Steven Antonio, parked at the residence. Officers observed damage to the front right side of the vehicle, a broken right headlight, a smashed windshield, and material

similar in appearance to hair on the right front windshield wiper near the break in the windshield. Officers later learned that the fight between Antonio and his father, the registered owner of the vehicle, was due to the discovery of the recent damage to the 2009 silver Kia, which was driven by Antonio earlier that day. Antonio was taken into custody by NNPD Officers and the Investigating Agents seized the 2009 silver Kia Sedan bearing New License Plate number NRD 991. The vehicle was towed to Winston's Tow Yard in Waterflow, New Mexico.

8. Antonio was interviewed at the Criminal Investigation office in Shiprock, New Mexico. After being advised of his Miranda rights Antonio agreed to speak to CI Scott and SA Waldron. Antonio said he picked up VE in Shiprock and they went to a movie in Farmington. While in Farmington, Antonio consumed approximately one (1) 40 oz. bottle of malt liquor before and during the movie. On the way back to Shiprock after the movie, Antonio consumed approximately one pint of vodka. Antonio and VE returned to Shiprock and VE got out of the vehicle at her house. Antonio drove off and met two unknown females. One of the females drove him around and at some point a log hit his windshield. After being told the log broke his windshield, Antonio told the females to drive him home. The females got out of the vehicle at the entrance to his driveway, so Antonio drove the rest of the way home. Later, Antonio ended up getting arrested after he got into a fight with his father, Steven Antonio. Antonio was unable to identify the females or say specifically where the females went and where they were when the log hit the windshield.

9. This search warrant is for the purpose of securing and seizing evidence located both on the exterior and in the interior of the 2009 silver Kia Sedan, bearing New Mexico License Plate number NRD991, seized on or about January 17, 2016. Based on the information provided in this affidavit, your affiant believes that evidence of a crime, namely hair fibers, blood, tissue,

DNA, clothing fibers, and alcoholic beverages or empty canisters of alcoholic beverages, can be found on the exterior and in the interior of the seized vehicle.

10. The incident under investigation occurred within the exterior boundaries of the Navajo Indian Reservation and that Antonio and VE are Native Americans. Based upon the information received thus far, there is probable cause to believe there has been a violation of Title 18, United States Code, Section 113(a)(6), assault resulting in serious bodily injury, and Section 1153 crimes committed in Indian Country.

11. I swear that this information is true and correct to the best of my knowledge and belief.


Affiant
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me
on this 22 day of January, 2016.



United States Magistrate Judge

